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SUBJECT: HUMAN RIGHTS SITUATION POST-COUP UPDATE 2

REF: TEGUCIGALPA 529

Classified By: Ambassador Hugo Llorens for reasons 1.4 (b & d).

¶1. (C) Summary: The Attorney General's (AG) aggressive pursuit of corruption charges against Zelaya administration officials seemingly outweigh his consideration for the deteriorating human rights situation. While the situation is not yet dire, civil liberties have been denied, arbitrary arrests and detentions are reported, and freedom of expression and freedom of the press have been obstructed. Civil society groups state that the perceived political partiality by the AG has forced them to turn to NGOs and the United States for the defense of human rights. The Ambassador has strongly emphasized the importance of guaranteeing human rights publicly and in meetings with the Public Ministry, including a July 9 meeting with the Special Prosecutor for Human Rights. Post will continue to push the AG and the de facto regime on the importance of these issues.
End Summary.

ATTORNEY GENERAL ON HUMAN RIGHTS AND ZELAYA

¶2. (U) Representatives from the G16 donor group met with Attorney General Luis Rubi and four of his attorneys to discuss the human rights situation in Honduras on July 9. Poloff raised strong U.S. concern over the deterioration of the protection of human rights in Honduras since the June 28 coup, including restrictions being placed on freedom of assembly and expression, warrantless arrests and searches, and the killing of a pro-Zelaya protester. Rubi said all allegations of human rights violations are being properly investigated but provided very little information on specific cases raised by the group. When briefed that many victims have not made official complaints because his office is considered partial to the de facto regime, he noted that victims should take their cases to Human Rights Commissioner Ramon Custodio. (Note: The AG has been closely associated publicly with the coup and the Commissioner has made strong statements defending the de facto regime against allegations of human rights violations.
End Note)

¶3. (U) After fielding a number of questions, Rubi moved away from discussing human rights and began instead to brief the group on the Public Ministry's corruption investigations of President Manuel "Mel" Zelaya's administration. He stated that the only "political" arrest warrants issued by his office are for Zelaya and Zelaya's minister of the presidency, Enrique Flores Lanza, who is charged with misuse of funds. Rubi is also aggressively pursuing four ex-administrators of government-owned telecommunications firm Hondutel who have been charged with corruption. Rubi denied charges that any political considerations had been made in the choice to pursue corruption charges against Zelaya administrative figures at this time.

¶4. (C) Rubi presented preliminary results from his

investigation into corruption charges against President Zelaya, providing documentation to all present. He reported the discovery of evidence proving that Zelaya used Inter-American Development Bank (IDB) funds to pay for his scheduled June 28 opinion poll on the Fourth Urn. Rubi said that the investigation of Zelaya started the moment after the coup because his offices didn't have access to the evidence until after Zelaya's dismissal. However, when questioned, Rubi conceded that all of the 18 charges filed against Zelaya have been political in nature. The Canadian Ambassador (currently the G16 President) reiterated the international concern for human rights in Honduras and stated his reservations about the political nature of the AG's pursuit of Zelaya and his administration.

USG EXPRESSES CONCERN FOR HUMAN RIGHTS

¶ 15. (SBU) Ambassador and Poloff met with Human Rights Prosecutor (HRP) Sandra Ponce on July 9 to discuss the human rights situation and a number of human rights cases of interest. The Ambassador expressed the USG's strong concern over the deteriorating human rights situation and the United States' determination to ensure the protection of human rights for all Hondurans in these times of political tension.

The Ambassador emphasized that human rights issues are of paramount importance to the U.S. government, and that post would be monitoring both the overall human rights environment as well as specific cases of concerns, and raising those at the highest levels of the Public Ministry.

¶ 16. (SBU) One case of concern is the killing of Isis Obed Murillo on July 5 at Toncontin International Airport. According to HRP, preliminary investigations have identified over 170 cartridges of different calibers at the scene, of which 143 are the 5.56 cartridges used by M16 rifles carried by the Honduran military. She said an autopsy has been performed on Murillo, and initial results indicate that he was killed by a bullet from a 5.56 cartridge. Indications suggest that the trajectory of the bullet was from above Murillo's position and not behind him from the direction of other protestors, as has been reported in the Honduran newspapers. HRP stated that the Public Ministry is waiting to collect eye-witness accounts of the incident before moving to charge anyone with the killing. HRP confirmed that the second gunshot victim from the violence at Toncontin Airport is a 25-year-old architect named Alex Zavala and not a 13-year-old minor as had been rumored. Zavala is currently in critical condition at a private hospital, and his family have chosen not to assist the authorities in their investigation.

¶ 17. (U) HRP related actions taken to reopen pro-Zelaya Channel 36, which had been off the air since the June 28 coup, and remove military presence from its offices on July 6. Station owner, Edras Amado Lopez, previously stated he would only reopen with the support of the United Nations as he was afraid the de facto regime would place conditions on his operation. However, after working with the HRP, he has since been convinced otherwise and Channel 36 has started transmitting again. HRP updated the Ambassador on the case of journalist Eduardo Maldonado, who has been off the air since the coup. Maldonado used his program to promote the Fourth Urn, and according to the HRP, since the coup the owner of the station that broadcasted his program has chosen to reorient its message in greater accord with the current regime. Thus, the case is between the owner of the station and the journalist but does, however, demonstrate a trend of self-censorship. HRP also indicated that her team of 10 attorneys must share one vehicle to investigate allegations, which severely hampers their effectiveness.

OUTSPOKEN FATHER OF KILLED PROTESTER ARRESTED

¶ 17. (C) Late July 9, actions taken by the Public Ministry

confirm a trend of politically inclined arrests. After speaking out against the de facto regime and his son's death, the father of killed protester Isis Obed Murillo, Jose David Murillo Sanchez, was arrested and charged with attempted homicide. According to news reports, the warrant for Murillo Sanchez's arrest was issued on May 18, 2007, in Juticalpa, Olancho, for a crime allegedly committed in 2004. Earlier in the day, in a meeting with the Ambassador, the HRP confirmed that the warrant had been issued and alluded to the political nature of the prosecution referring to it as a, "terrible incident."

Comment

¶8. (C) The Embassy will continue to speak out on the human rights situation and in defense of democracy. Post will continue to report on human rights and work with civil society to document the situation. Poloff will muster any logistical support for the HRP to increase her ability to investigate allegations of human rights violations. In the meeting with the AG, the HRP looked visibly dismayed to all present as the AG discussed his office's actions taken to ensure human rights. Her negative "body language" and a general concern for the AG's political partiality was later confirmed in a separate conversation where she stated that Rubi is partial to the de facto regime and has not provided the resources or demonstrated an interest in pursuing alleged human rights violations. End Comment.

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